IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 20574 of 1994

Between:

1 Chidara Buchiratnam W/o. Ch.Nagabhushanam,
aged 68 years, R/o.Warangal.
2 Chidara Raheswar Rao S/o. Ch.Nagabhushanam
aged 49 years, R/o.Warangal.
3 Chidara Umamaheswara Rao S/o. Ch.Nagabhushanam
aged 40 years, R/o.Warangal.
4 Chidara Omkareswar S/o. Ch.Nagabhushanam
aged 33 years, R/o.Warangal.
5 Chidara Jagadeshwar S/o. Ch.Nagabhushanam
aged 31 years, R/o.Warangal.
6 Chidara Muktheswar S/o. Ch.Nagabhushanam
aged 29 years, R/o.Warangal. **..... PETITIONERS**

AND

1 Kakatiya Urban Development Authority, near Ashoka Complex,
Hanamkonda,k rep.by Vice Chairman- Person
2 Warangal Municipal Corporation rep.by Municipal Commissioner
S.V.N.Road, Warangal
3 Executive Engineer (R&B) Hanamkonda. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus (i) declaring the demolition of part of structures in Municipal Nos.8/63 and 8/64 of S.V.N.Road, Warangal by the respondent authorities as illegal and without jurisdiction (ii) further interdict the respondents from demolishing any portion of the structures of shops bearing Municipal Nos.bearing No.8/57, 8/58, 8/581, 8/59, 8/60, 8/61, 8/62, 8/62/1 of S.V.N.Road, Warangal.

Counsel for the Petitioners:MR.S.R.ASHOK

Counsel for the respondent No.1: Mr. C. Marender

Counsel for the Respondent No. 2 : MR.G.GOPAL GOVIND

NAIK

Counsel for Respondent No.3 : G.P. for Municipal Administration.

The Court made the following :

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O R D E R :-

Heard the learned counsel for the petitioners.

The only grievance of the petitioners is that construction of shops belonging to the petitioners were sought to be demolished by the respondents without issuing any notice.

The established principle is that before resorting to any demolition, as and when any deviations are found in any structure, it is imperative on the part of the authorities concerned to put the affected parties on notice.

Admittedly, in this case no such notices had been issued by the respondents to the petitioners. It is complained by the learned counsel for the respondents that there are several deviations in the constructions and no permissions were obtained by the petitioners for making such construction. Whatever might be the reason, it is imperative on the part of the respondents to put the affected parties on notice before proceeding further. Therefore, the respondents are directed to issue notices to the petitioners before proceeding further in accordance with law. Till such time, the interim order granted by this Court on 21-11-1994 shall continue to remain in force.

The Writ Petition is disposed of accordingly. No costs.

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09-07-2004

prv

To

1 The Vide Chairman-person, Kakatiya Urban Development Authority Near Ashoka Complex, Hanamkonda,
2 The Municipal Commissioner, Warangal Municipal Corporation, S.V.N.Road, Warangal
3 The Executive Engineer (R&B) Hanamkonda.

4. 2CCs to GP for Municipal Administration, High Court of A.P., Hyderabad, (OUT)

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